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**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

<p>In re:</p> <p>HYACINTH SIMMS,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>JPMORGAN CHASE BANK, TOWER GROUP, INC.; MORANT INSURANCE AGENCY INC.; AFFILIATED ADJUSTMENT GROUP LTD; ASSURANT PROPERTY ADVANTAGE AKA ASSURANT SPECIALTY PROPERTY'S LENDING; SOLUTIONS GROUP; C.J. RUBINO &amp; COMPANY, INC.; MSW ADJUSTMENT GROUP, INC.; DG CUSTOM BUILT HOMES &amp; REMODELING,</p> <p style="text-align: center;">Defendant.</p>	<p><b>Case No. 23-40070</b></p> <p><b>CHAPTER 7</b></p> <p><b>Adv. Proc. No. 23-01070-NHL</b></p> <p><b>NOTICE OF MOTION TO DISMISS COMPLAINT PURSUANT TO FED. R. BANKPR. P. 7012 and FED. R. CIV. P. 12(b)(5) and 12(b)(6)</b></p>
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**To:** Karamvir Dahiya, Esq.  
Dahiya Law Offices, LLC  
75 Maiden Lane Suite 606  
New York, New York 10038  
Attorneys for Plaintiff, Hyacinth Simms

Manuel A. Palaguachi, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
77 Water Street – Suite 2100  
New York, NY 10005  
Attorneys for Defendant, MSW Adjustment Group, Inc.

**PLEASE TAKE NOTICE** that Defendant, JPMorgan Chase Bank, N.A. (“Defendant”) by and through its attorneys, shall move before the Honorable Nancy Hershey Lord, United States

Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, at the courthouse thereof, located at 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-180, on January 16, 2023 at 2:00 pm, via Zoom, for an Order:

1. Dismissing the Complaint filed by Plaintiff, Hyacinth Simms (“Plaintiff”), with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure; or
2. Alternatively, dismissing the Complaint pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure; and
3. Granting Defendant such other and further relief as is just and proper.

**PLEASE TAKE FURTHER NOTICE** that if you wish to appear in a particular hearing, you must register your appearance on eCourt appearances located on the Court’s website <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>. Appearances must be entered no later than 48 hours before the hearing unless otherwise instructed by chambers.

**NOTE:** Parties who are unable to participate by Zoom® may participate by telephone. To participate by telephone, you must contact Chambers at least 24 hours in advance of the hearing and provide the following:

- Name
- Case Number
- Email Address
- Telephone contact number
- Your role in the matter scheduled

Parties that wish listen-only access shall indicate such when registering their appearance through the Electronic Appearance Portal located on the Court’s website.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Defendant will rely upon the accompanying Memorandum of Law and Declaration of Brian P. Scibetta, Esq., with exhibits.

**PLEASE TAKE FURTHER NOTICE** that answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion.

MCCALLA RAYMER LEIBERT PIERCE, LLC  
*Attorneys for Defendant, JPMorgan Chase Bank,  
N.A.*

Dated: November 22, 2023

By: /s/ Brian P. Scibetta  
Brian P. Scibetta, Esq.